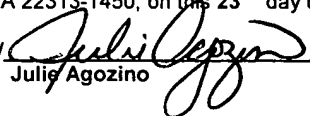
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s/   
Julie Agozino

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:  
**WADE STANTON BLAIR ET AL.**

Serial No.: 10/721,405

Confirmation No.: 3366

Filed: November 24, 2003

For: **DUAL ASSAY FOR EVALUATING  
ACTIVITY AND CYTOTOXICITY OF  
COMPOUNDS IN THE SAME POPULATION  
OF CELLS**

Group Art Unit: 1645

Examiner: Not Yet Assigned

Honorable Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT****UNDER 37 C.F.R. § 1.97(b) or 1.97(c)****37 CFR § 1.97(b)**

- ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

**37 CFR § 1.97(c)**

- ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); after three months of the date of entry of the national stage as set forth in § 1.491 in an international application; after the mailing of a first Office Action on the merits; or after the mailing of a first Office Action after the filing of a request for continued examination under § 1.114, but before the mailing date of (1) a Final Action under § 1.113; (2) a Notice of Allowance under § 1.311; or (3) an action that otherwise closes prosecution in the application. The Commissioner is hereby authorized to charge the fee as set forth in § 1.17(p) to Deposit Account Number 500329.

- ☐ Applicant requests that the Examiner consider the following copending applications:

Application Serial No.	Filing Date

- ☐ Copies of these copending applications are enclosed.
- ☒ Applicant hereby requests consideration of the Information Disclosure Statement, USPTO form 1449, submitted herewith. Copies of the cited references, except as noted below, are enclosed.
- ☐ This application is a continuation, divisional or continuation-in-part of Serial No. . Copies of the cited references, if not enclosed, are available in the file of the parent application or parents thereof.
- ☐ This application was filed after June 30, 2003, or entered U.S. national stage under 35 U.S.C. § 371, after June 30, 2003. Copies of U.S. Patents and U.S. Patent Application Publications are not enclosed. (1276 OG 55).
- ☐ Applicant hereby requests consideration of the enclosed International Search Report, which was received in a related international patent application.

The Commissioner is hereby authorized to charge any fee deficiency, including any fee required under 37 C.F.R. § 1.17(p), or credit any overpayment, to Deposit Account Number 500329. A duplicate copy of this form is enclosed.

Respectfully submitted,

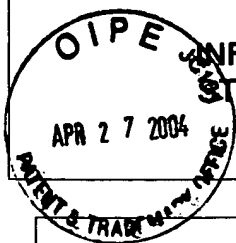
Date: April 23, 2004

Keith D. Hutchinson  
Keith D. Hutchinson  
Attorney For Applicant  
Registration No. 43,687

Agouron Pharmaceuticals, Inc./A Pfizer Company  
Patent Department  
10777 Science Center Drive  
San Diego, California 92121  
Phone: (858) 526-4608  
Fax: (858) 678-8233

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

## **Complete if Known**

Application Number	10/721,405
Filing Date	11-24-2003
First Named Inventor	Blair, et al
Art Unit	1645
Examiner Name	TBA
Attorney Docket Number	PC25522A

## **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	Cite No. <sup>1</sup>	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup>			
	AA	5,292,658	03-08-1994	Milton J. Cormier, et al	
	AB	5,418,165	03-23-1995	Milton J. Cormier, et al	
	AC	5,401,629	03-28-1995	Michael M. Harpold, et al	
	AD	5,436,128	07-25-1995	Michael M. Harpold, et al	
	AE	5,922,549	07-13-1999	Armin Peter Czernilofsky, et al.	
	AF	6,020,192	02-01-2000	Nicolas Muzyczka, et al.	
	AG	6,063,578	05-16-2000	Miguel Barbosa, et al.	
	AH	6,114,148	09-05-2000	Brian Seed, et al.	
	AI	6,143,502	11-07-2000	Guido Grentzmann, et al.	
	AJ	6,159,705	12-12-2000	Joshua Trueheart, et al.	
	AK	6,171,809	01-09-2001	Christiaan Roelant, et al.	
	AL	6,235,873	05-22-2001	Jacqueline F. Bromber, et al.	
	AM	6,255,112	07-03-2001	Mark A. Thiede, et al.	
	AN	6,255,473	07-03-2001	Michael P. Vitek, et al.	
	AO	6,261,791	07-17-2001	Robert E. Reiter, et al.	

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## **FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	AP	WO 96/40988	12-19-1996	Promega Corporation		

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AQ	ARTHUR, et al., "Herpes Simplex Virus Type 1 Promoter Activity during Latency Establishment, Maintenance, and Reactivation in Primary Dorsal Root Neurons In Vitro," <i>Journal of Virology</i> , 2001, 3885-3895, Vol. 75, No. 8.	
	AR	AUSBEL, et al., <i>Current Protocols of Molecular Biology</i> , 1993, John Wiley and Sons,	
	AS	BARKER, et al., "The Identification of <i>Mycobacterium marinum</i> Genes Differentially Expressed in Macrophage Phagosomes Using Promoter Fusions to Green Fluorescent Protein," <i>Molecular Microbiology</i> , 1998, 1167-1177, Vol. 29.	
	AT	BORITZ, et al., "Replication-Competent Rhabdoviruses with Human Immunodeficiency Virus Type 1 Coats and Green Fluorescent Protein: Entry by a pH-Independent Pathway," <i>Journal of Virology</i> , 1999, 6937-6945, Vol. 73, No. 8.	
	AU	CHEN, B. et al., "Distinct Modes Of Human Immunodeficiency Virus Type 1 Proviral Latency Revealed By Superinfection Of Nonproductively Infected Cell Lines With Recombinant Luciferase-Encoding Viruses," <i>Journal of Virology</i> , 1994, pp. 654-660, Vol. 68, No. 2.	
	AV	DAY, R., et al., "Dual-Function Reporter Protein for Analysis of Gene Expression in Living Cells," <i>BioTechniques</i> , 1998, 848-856, Vol. 25, No. 5.	
	AW	DEL ROSARIO, et al., "Positive Selection System to Screen for Inhibitors of Human Immunodeficiency Virus-1 Transcription," <i>Nature Biotechnology</i> , 1996, 1592-1596, Vol. 14, No. 11.	

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Attorney Docket Number	PC25522A

AX	DUBENSKY, et al., "Sindbis Virus DNA-Based Expression Vectors: Utility for In Vitro and In Vivo Gene Transfer," <i>Journal of Virology</i> , 1996, 508-519, Vol. 70, No. 1.
AY	FORSBERG, A., et al., "In Vivo Expression of Virulence Genes of <i>Yersinia pseudotuberculosis</i> ," <i>Infectious Agents and Disease</i> , 1993, 275-278, Vol. 2.
AZ	FRESHNEY, et al., "Animal Cell Culture a Practical Approach, 1986, IL Press, Washington DC.
BA	GARCIA DEL PARTILLO, et al., "Characterization of the Micro-environment of <i>Salmonella Typhimurium</i> -containing Vacuoles within MDCK Epithelial Cells," <i>Molecular Microbiology</i> , 1992, 3289-3297, Vol. 6, No. 22.
BB	GELFAND, et al., <i>PCR Protocols: A Guide to Methods and Applications</i> , 1990, Academic Press, Inc. San Diego, CA, USA.
BC	GLOVER, et al., <i>DNA Cloning: A Practical Approach</i> , 1985, Vol. I and II, IRL Press, Washington DC.
BD	HAAS, et al., "Codon Usage Limitation in the Expression of HIV-1 Envelope Glycoprotein," <i>Current Biology</i> , 1996, 315-323, Vol. 6, No. 3.
BE	INNIS, et al., <i>PCR Protocols: Protocols for Functional Genomics</i> , 1999, Academic Press, Inc. San Diego, CA, USA.
BF	JACOBI, et al., "In vitro and in vivo Expression Studies of <i>yopE</i> from <i>Yersinia Enterocolitica</i> Using the <i>gfp</i> Reporter Gene," <i>Molecular. Microbiology.</i> , 1998, 865-882, Vol. 30. No. 4.
BG	JUBIN, et al., "Activity Screening of Bacteria Containing <i>Renilla</i> Luciferase Plasmids," <i>BioTechniques</i> , 1998, 185-188, Vol. 24, No. 2.
BH	KHROMYKH, et al., "Subgenomic Replicons of the Flavivirus Kunjin: Construction and Applications," <i>Journal of Virology</i> , 1997, 1497-1505, Vol. 71, No. 2.
BI	KIMPTON, et al., "Detection of Replication-Competent and Pseudotyped Human Immunodeficiency Virus with a Sensitive Cell Line on the Basis of Activation of an Integrated $\beta$ -Galactosidase Gene," <i>Journal of Virology</i> , 1992, 2232-2239, Vol. 66, No. 4.
BJ	KOBATAKE, et al., "Bioluminescent Immunoassay with a Protein A-Luciferase Fusion Protein," <i>Analytical Biochemistry</i> , 1993, 300-305, Vol. 208.
BK	KOHLER, et al., "Expression and Use of the Green Fluorescent Protein as a Reporter System in <i>Legionella pneumophila</i> ," <i>Mol. Gen. Genet.</i> , 2000, 1060-1069, Vol. 262.
BL	KRIEGER, N. et al., "Enhancement Of Hepatitis C Virus RNA Replication By Cell Culture-Adaptive Mutations," <i>Journal of Virology</i> , 2001, pp. 4614-4624, Vol. 75, No. 10.

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Application Number	10/721,405
Filing Date	11-24-2003
First Named Inventor	Blair, et al
Art Unit	1645
Examiner Name	TBA
Attorney Docket Number	PC25522A

BM	KUNG, et al., "Rapid Diagnosis and Quantification of Herpes Simplex Virus with a Green Fluorescent Protein Reporter System," <i>Journal of Virological Methods</i> , 2000, 205-212, Vol. 90, No. 2.
BN	LORENZ, et al., "Expression Of The Renilla Reniformis Luciferase Gene In Mammalian Cells" <i>J. Biolumin Chemilumin</i> , 1996, pages 31-37, Vol. 11.
BO	MAYERHOFER, et al., "Expression Of Recombinant Renilla Luciferase In Transgenic Plants Results In High Levels Of Light Emission," <i>The Plant Journal</i> , 1995, pages 1031-1038, Vol. 7, No. 6.
BP	MC KNIGHT, et al., "Capsid Coding Sequence Is Required for Efficient Replication of Human Rhinovirus 14 RNA," <i>Journal of Virology</i> , 1996, 1941-1952, Vol. 70, No. 3.
BQ	MEMON, et al., "A simple assay for examining the effect of transiently expressed genes on programmed cell death," <i>Journal of Immunological Methods</i> , 1995, 15-24, Vol. 180, No. 1.
BR	NAYLOR, et al., "Reporter Gene Technology: The Future Looks Bright," <i>Biochemical Pharmacology</i> , 1999, 749-757, Vol. 58, No. 5.
BS	NEUMANN, et al., "Plasmid-Driven Formation of Influenza Virus-Like Particles," <i>Journal of Virology</i> , 2000, 547-551, Vol. 74, No. 1.
BT	OLKKONEN, et al., "Expression of Exogenous Proteins in Mammalian Cells with the Semliki Forest Virus Vector," <i>Methods Cell Biology</i> , 1994, 43-53, Vol. 43, Pt. A.
BU	PERBAL, et al., <i>A Practical Guide to Molecular Cloning</i> , 1984, John Wiley and Sons, New York, USA.
BV	PERCY, et al., "A Poliovirus Replicon containing the Chloramphenicol Acetyltransferase Gene Can Be Used to Study the Replication and Encapsidation of Poliovirus RNA," <i>Journal of Virology</i> , 1992, 5040-5046, Vol. 66, No. 8.
BW	POLLACK, et al., "Probing the Phagolysosomal Environment of Human Macrophages with a Ca <sup>2+</sup> -responsive Operon Fusion in <i>Yersinia pestis</i> ," <i>Nature</i> , 1986, 834-836, Vol. 322, No. 28.
BX	QAZI, et al., "agr Expression Precedes Escape of Internalized <i>Staphylococcus aureus</i> from the Host Endosome," <i>Infection and Immunity</i> , 2001, 7074-7082, Vol. 69, No. 11.
BY	ROSSI, et al., "Assembly of Human Papillomavirus Type 16 Pseudovirions in <i>Saccharomyces cerevisiae</i> ," <i>Human Gene Therapy</i> , 2000, 1165-1176, Vol. 11, No. 8.
BZ	ROY, et al., "Episomal and Stable Expression of the Luciferase Reporter Gene for Quantifying Leishmania spp. Infections in Macrophages and in Animal Models," <i>Molecular and Biochemical Parasitology</i> , 2000, 195-206, Vol. 110.

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CA	SAMBROOK, et al., <u>Molecular Cloning: A Laboratory Manual</u> , 2001, 3 <sup>rd</sup> Edition, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY.
CB	SANDMAN, et al., "Rapid Fluorescence-based Reporter-gene Assays to Evaluate the Cytotoxicity and Antitumor Drug Potential of Platinum Complexes," <i>Chemistry and Biology</i> , 1999, 541-551, Vol. 6, No. 8.
CC	SCHAFER, et al., "A Highly Sensitive Cytotoxicity Assay Based on the Release of Reporter Enzymes, from Stably Transfected Cell Lines," <i>Journal of Immunological Methods</i> , 1997, 89-98, Vol. 204, No. 1.
CD	SCHULEIN, et al., "Invasion and Persistent Intracellular colonization of Erythrocytes: A Unique Parasitic Strategy of the Emerging Pathogen <i>Bartonella</i> ," <i>J. Exp. Med.</i> , 2001, 1077-1086, Vol. 193, No. 9.
CE	SRIKANTHA, et al., "The Sea Pansy <i>Renilla reniformis</i> Luciferase Serves as a Sensitive Bioluminescent Reporter for Differential Gene Expression in <i>Candida albicans</i> ," <i>Journal of Bacteriology</i> , 1996, 121-129, Vol. 178, No. 1.
CF	TAUTZ, et al., "Establishment and Characterization of Cytopathogenic and Noncytopathogenic Pestivirus Replicons," <i>Journal of Virology</i> , 1999, 9422-9432, Vol. 73, No. 11.
CG	TERWILLIGER, et al., "Construction and Use of a Replication-competent Human Immunodeficiency Virus (HIV-1) that expresses the Chloramphenicol Acetyltransferase Enzyme," <i>Proc. Natl. Acad. Sci.</i> , 1989, 3857-3861, Vol. 86.
CH	VAN DEN POL, et al., "Cytomegalovirus Cell Tropism, Replication, and Gene Transfer in Brain," <i>Journal of Neuroscience</i> , 1999, 10948-10965, Vol. 19, No. 24.
CI	WANG, et al., "A Study of Protein-Protein Interactions in living Cells Using Luminescence Resonance Energy Transfer (LRET) from <i>Renilla</i> Luciferase to <i>Aequorea</i> GFP," <i>Mol. Gen. Genet.</i> , 2001, 578-587, Vol. 264.
CJ	WATSON, et al., "A Quantitative assay for Trans-Activation by HIV-1 Tat, Using Liposome-Mediated DNA Uptake and a Parallel ELISA System," <i>AIDS Research and Human Retroviruses</i> , 1993, 861-867, Vol. 9, No. 9.
CK	ZOLOTUKHIN, et al., "A "Humanized" Green Fluorescent Protein cDNA Adapted for High-Level Expression in Mammalian Cells," <i>Journal of Virology</i> , 1996, 4646-4654, Vol. 70, No. 7.

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